

RESOLUTION NUMBER 2009-032



A RESOLUTION OF THE KEY WEST PLANNING BOARD GRANTING VARIANCES TO IMPERVIOUS COVERAGE AND SIDE AND REAR-YARD BUILDING SETBACK REQUIREMENTS FOR PROPERTY LOCATED AT 3401 NORTHSIDE DRIVE (RE# 00065570-000100), PURSUANT TO SECTIONS 122-238(4)(b)(2), 122-238(6)(b)(2) AND 122-238(6)(b)(3) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 122-238(4)(b)(2) of the Code of Ordinances provides that the maximum impervious coverage allowed is 60% for community facilities in the single-family residential (SF) zoning district; and

WHEREAS, Section 122-238(6)(b)(2)&(3) of the Code of Ordinances provides that the minimum required side and rear-yard building setbacks are 15 feet and 25 feet, respectively, for community facilities in the SF zoning district; and

WHEREAS, the applicant requested variances to allow expanded impervious surface allowances and reduced setback requirements and; and

WHEREAS, this matter came before the Planning Board at a duly noticed public hearing on August 25, 2009; and

 Chairman
 Planning Director

WHEREAS, the Planning Board finds that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures or buildings in the same district; and


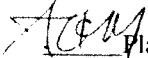
WHEREAS, the Planning Board finds that the special conditions do not result from the action or negligence of the applicant; and

WHEREAS, the Planning Board finds that granting the variance requested will not confer upon the applicant any special privileges denied by the land development regulations to other lands, buildings or structures in the same zoning district; and

WHEREAS, the Planning Board finds that the literal interpretation of the provisions of the land development regulations would deprive the applicant of rights commonly enjoyed by other properties in this same zoning district under the terms of this ordinance and would work unnecessary and undue hardship on the applicant; and

WHEREAS, the Planning Board finds that the variances granted are the minimum variance that will make possible the reasonable use of the land, building or structure; and

WHEREAS, the Planning Board finds that the granting of the variances will be in harmony with the general intent and purpose of the land development regulations and that such variances will


Chairman

Planning Director

not be injurious to the area involved or otherwise detrimental to the public interest or welfare; and

WHEREAS, the Planning Board finds that no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance; and

WHEREAS, the Planning Board finds that the applicant has demonstrated a “good neighbor policy” by contacting or making a reasonable attempt to contact all noticed property owners who have objected to the variance application, and by addressing the objections expressed by those neighbors.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That variances to dimensional requirements for increased allowed impervious surface per Section 122-238(4)(b)(2) from the allowed 60% coverage to the 80.3% proposed, and to side and rear yard setbacks per Section 122-238(6)(b)(2) from the 15 feet required to the 9 feet proposed and 122-238(6)(b)(3) from the 25 feet required to the 5 feet proposed, under the Code of Ordinances of the City of Key West, Florida, is hereby granted for property located at 3401


Chairman


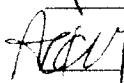
Planning Director

Northside Drive (RE#00065570-000100), as shown on the attached plans dated July 9, 2009.

Section 3. It is a condition of these variances that full, complete, and final application for all permits required for any new construction for any use and occupancy for which this variance is wholly or partly necessary, whether or not such construction is suggested or proposed in the documents presented in support of this variance, shall be submitted in its entirety within two years after the date hereof; and further, that no application or reapplication for new construction for which the variances are wholly or partly necessary shall be made after expiration of the two-year period without the applicant obtaining an extension from the Planning Board and demonstrating that no change of circumstances to the property or its underlying zoning has occurred.

Section 4. The failure to submit a full and complete application for permits for new construction for which these variances are wholly or partly necessary, or the failure to complete new construction for use and occupancy pursuant to these variances in accordance with the terms of a City building permit issued upon timely application as described in Section 3 hereof, shall immediately operate to terminate these variances, which variance shall be of no force or effect.

Section 5. These variances do not constitute a finding as to ownership or right to possession of the property, and assumes, without finding, the correctness of applicant's assertion of legal authority respecting the property.

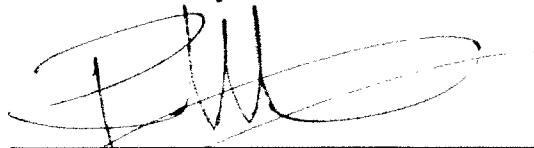

Chairman

Planning Director

Section 6. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Community Affairs. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DCA with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DCA can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a special meeting held this 25 day of August, 2009.

Authenticated by the Chairman of the Planning Board and the Planning Director.



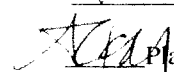
Richard Klitenick, Chairman
Key West Planning Board

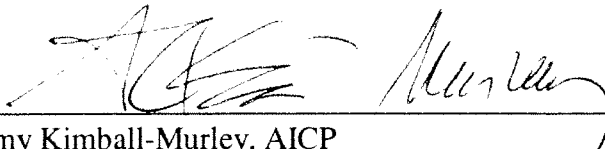
9/16/2009

Date

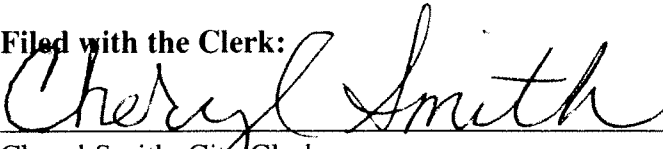
Attest:

Page 5
Resolution Number 2009-032

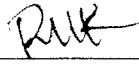
 Chairman
 Planning Director


Amy Kimball-Murley, AICP
Planning Director

Sept 30, 2009
Date

Filed with the Clerk:

Cheryl Smith, City Clerk

10-5-09
Date

 Chairman
 Planning Director

FILE COPY

3401 Northside Drive

- Existing Site Plan
- Proposed Site Plan
- Landscape Plan
- Site Data Table
- Existing Floor Plan
- Proposed Floor Plan
- Front and Rear Elevations
- Side Elevation

TEAM

Rmk
9/16/09

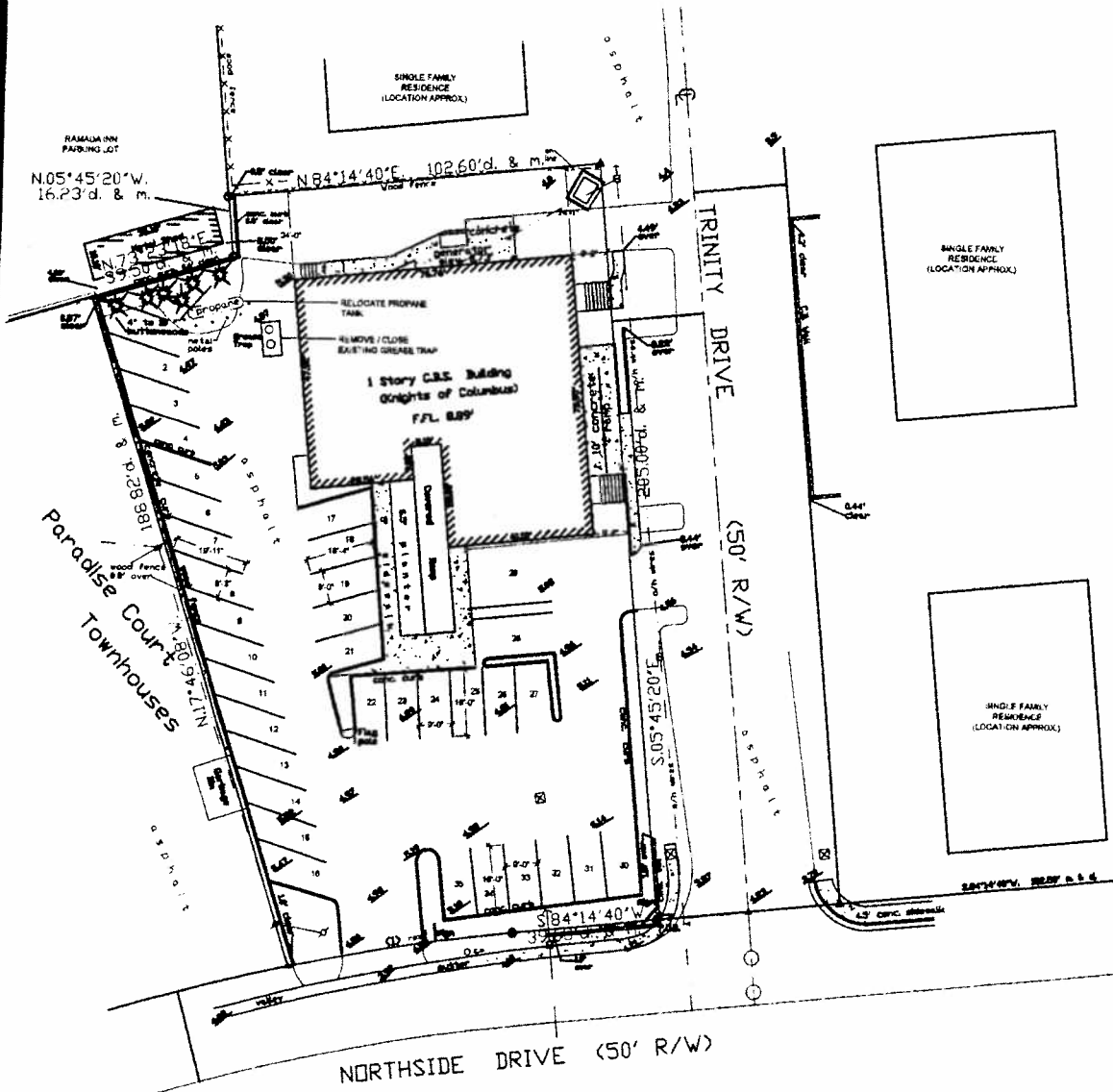
FLORIDA BUILDING CONSULTANTS, INC.

402 APPELROUTH LANE, SUITE 1-F
KEY WEST, FLORIDA
C.A.#26045

SHEET: 1 OF 8
DATE: 07-09-09
BY: EKM
JOB #

JOB TITLE: KEY WEST CENTER FOR CARDIOVASCULAR EXCELLENCE

EXISTING SITE PLAN



PAUL R. SEMMES, P.E.
#44137 DATE:

ALPH
RANK
9/16/09

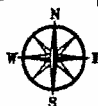
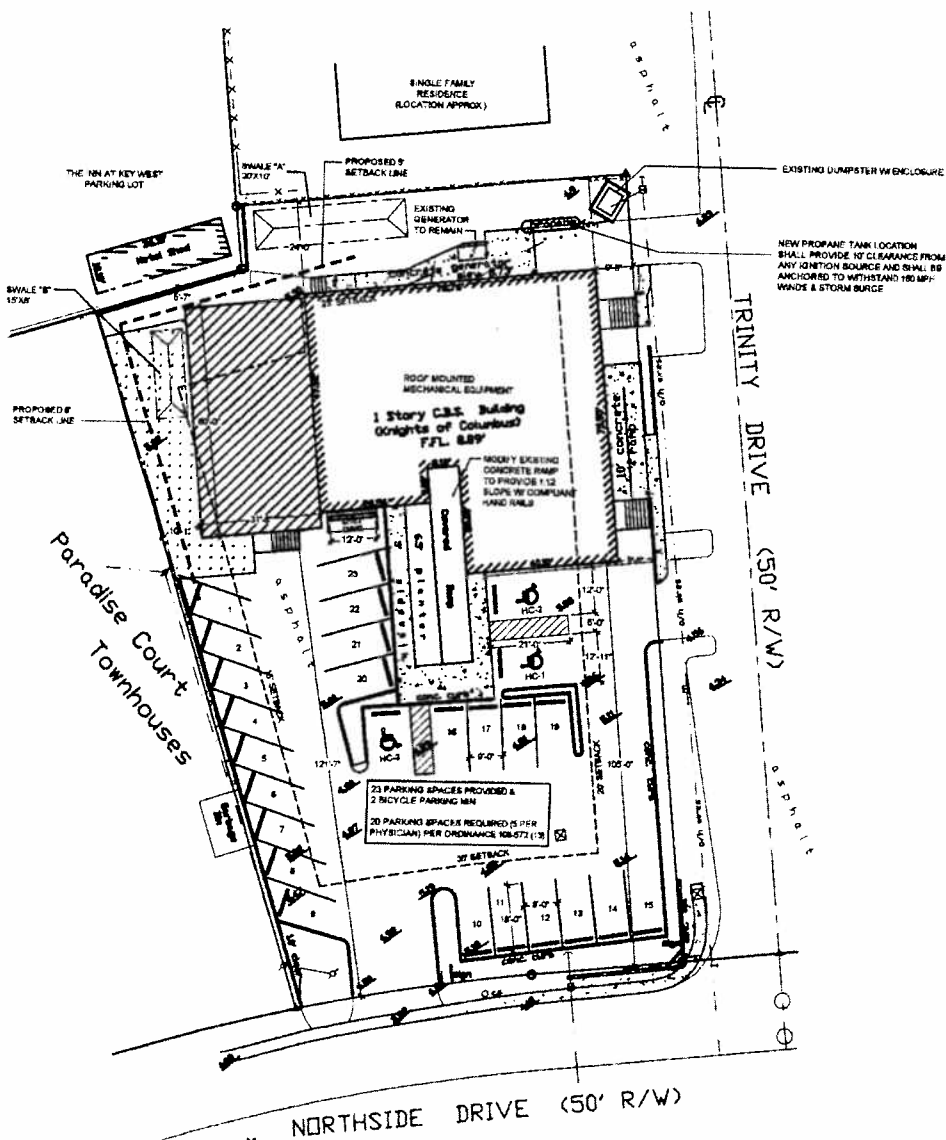
FLORIDA BUILDING CONSULTANTS, INC.

402 APPELROUTH LANE, SUITE 1-F
KEY WEST, FLORIDA
C.A.#26045

SHEET: 2 OF 8
DATE: 07-09-09
BY: EKM
JOB #

JOB TITLE: KEY WEST CENTER FOR CARDIOVASCULAR EXCELLENCE

PROPOSED SITE PLAN



NORTHSIDE DRIVE (50' R/W)

PROPOSED SITE PLAN

SCALE: 1"=30'-0"

PAUL R. SEMMES, P.E.

#44137 DATE: _____

*Action
Runk
9/16/09*

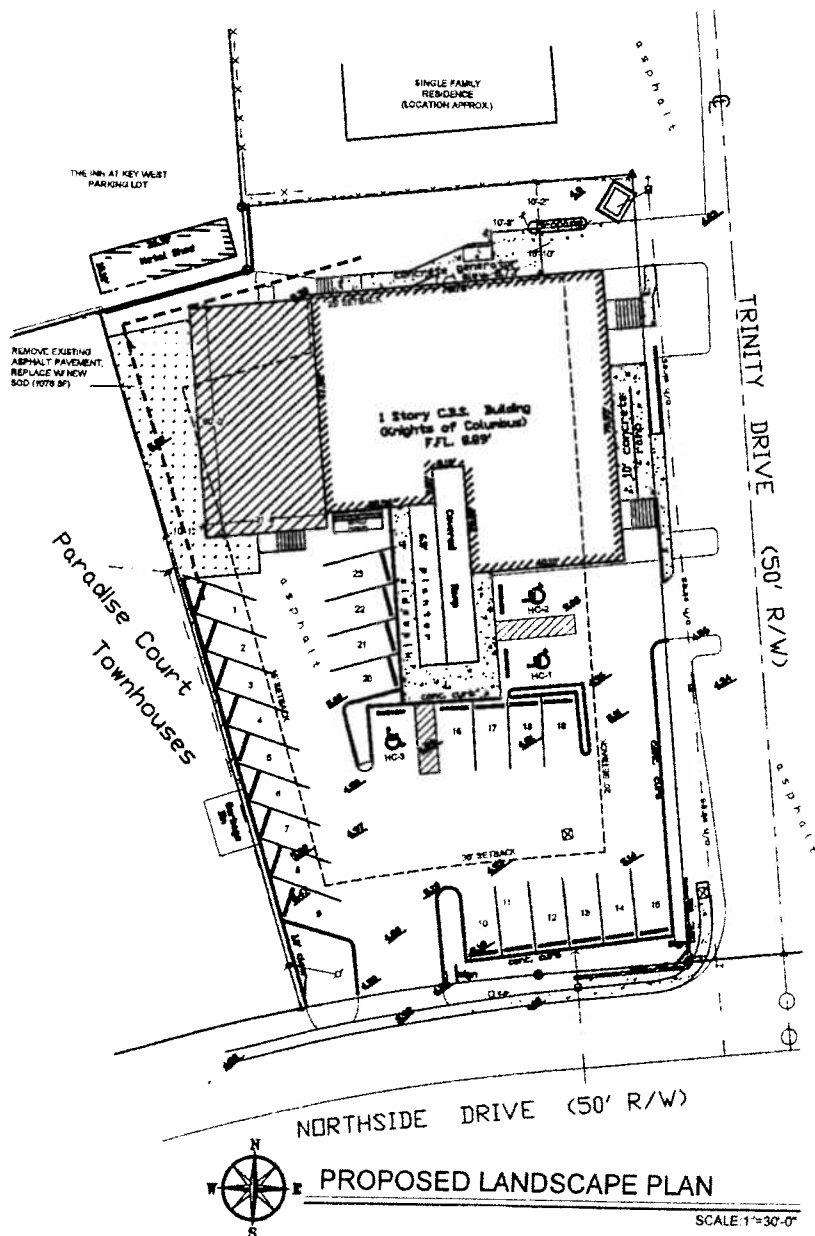
FLORIDA BUILDING CONSULTANTS, INC.

402 APPELROUTH LANE, SUITE 1-F
KEY WEST, FLORIDA
C.A.#26045

JOB TITLE: KEY WEST CENTER FOR CARDIOVASCULAR EXCELLENCE

SHEET: 3 OF 8
DATE: 07-09-09
BY: EKM
JOB #

LANDSCAPE PLAN



AKM
RWK
9/14/09

FLORIDA BUILDING CONSULTANTS, INC.

402 APPELROUTH LANE, SUITE 1-F
KEY WEST, FLORIDA
C.A. #26045

SHEET: 4 OF 8
DATE: 07-09-09
BY: EKM
JOB #

JOB TITLE: KEY WEST CENTER FOR CARDIOVASCULAR EXCELLENCE

SITE DATA TABLE

SITE DATA TABLE				
	EXISTING CONDITIONS	ALLOWABLE CONDITIONS	PROPOSED CONDITIONS	COMMENTS
DISTRICT	SF	SF	SF	
LOT SIZE	24766 SF	24766 SF	24766 SF	
BUILDING AREA	5624 SF	9906 SF	7670 SF	COMPLIES
BUILDING COVERAGE %	22.7%	40%	31%	COMPLIES
IMPERVIOUS COVERAGE	20973 SF	14860 SF	19897 SF	REDUCED
IMPERVIOUS COVERAGE %	83.3%	60%	80.3%	REDUCED
FLOOR AREA	5061 SF	N/A	6961 SF	
FLOOR AREA %	20.4%	N/A	28.1%	
BUILDING HEIGHT	<25'-0"	25'-0"	<25'-0"	COMPLIES
FRONT SETBACK	82'-2"	30'-0"	82'-2"	NO CHANGE
SIDE SETBACK	41'-10"	15'-0"	5'-0" (*)	VARIANCE
STREET SIDE SETBACK	9'-8"	20'-0"	9'-8"	NO CHANGE
REAR SETBACK	24'-0"	25'-0"	5'-0" (*)	VARIANCE

(*) VARIANCE REQUIRED TO MODIFY SETBACK TO 5'-0"

PAUL R. SEMMES, P.E.
#44137 DATE: _____

AKM
RUK
9/16/09

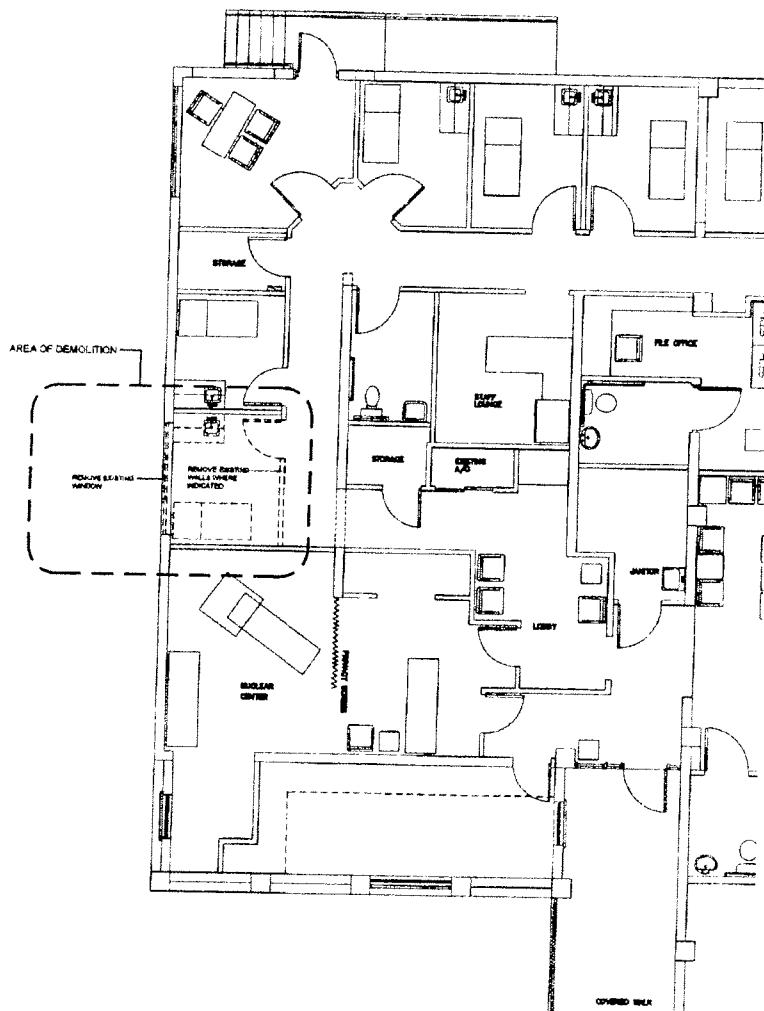
FLORIDA BUILDING CONSULTANTS, INC.

402 APPELROUTH LANE, SUITE 1-F
KEY WEST, FLORIDA
C.A.#26045

JOB TITLE: KEY WEST CENTER FOR CARDIOVASCULAR EXCELLENCE

SHEET: 5 OF 8
DATE: 07-09-09
BY: EKM
JOB #

EXISTING FLOOR PLAN



EXISTING FLOOR PLAN

SCALE: 3/32"=1'-0"

PAUL R. SEMMES, P.E.
#44137 DATE:

AKM
RWK
9/16/09

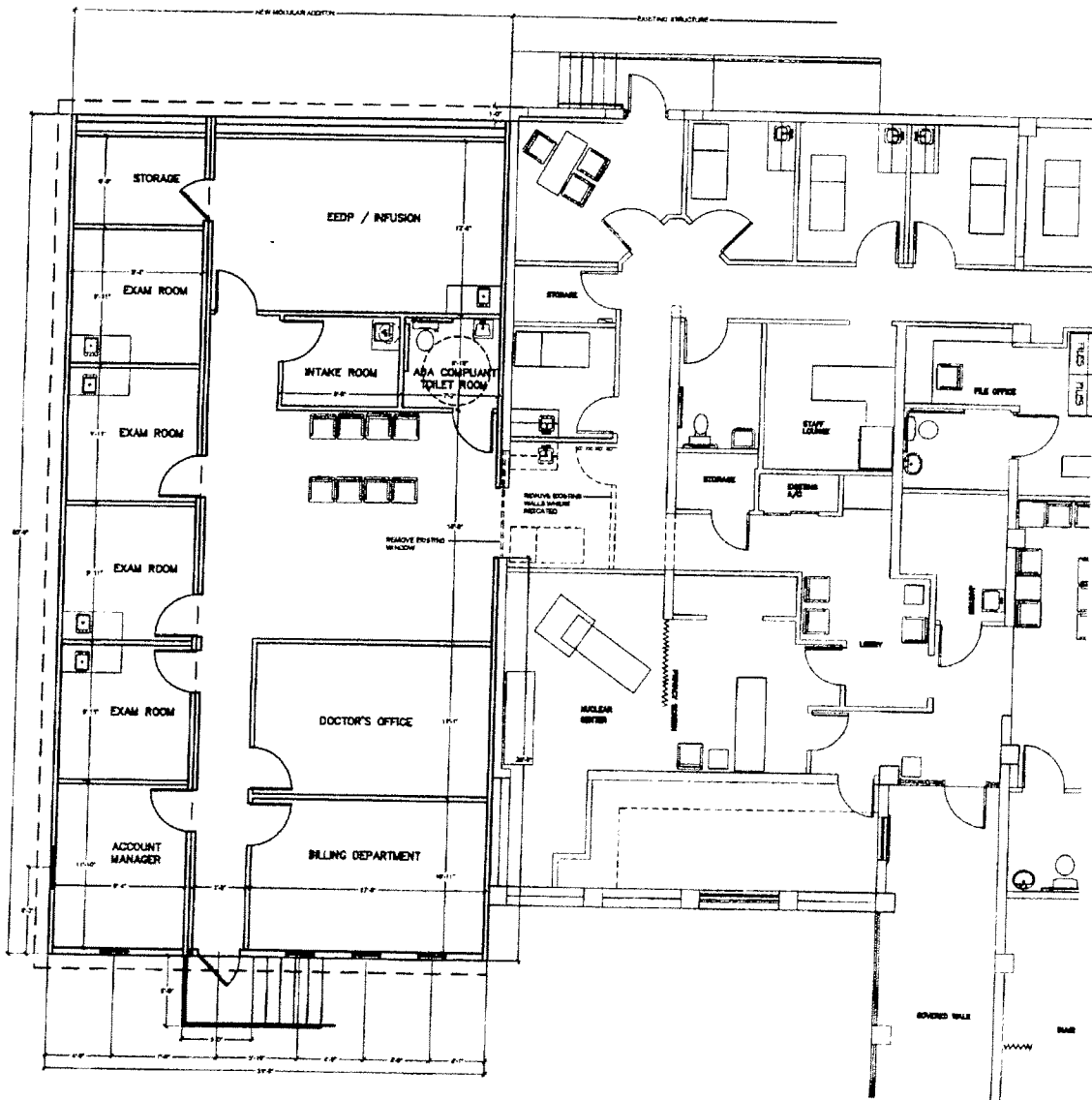
FLORIDA BUILDING CONSULTANTS, INC.

402 APPELROUTH LANE, SUITE 1-F
KEY WEST, FLORIDA
C.A.#26045

JOB TITLE: KEY WEST CENTER FOR CARDIOVASCULAR EXCELLENCE

SHEET: 6 OF 8
DATE: 07-09-09
BY: EKM
JOB #

PROPOSED FLOOR PLAN



PROPOSED FLOOR PLAN

SCALE: 3/32"=1'-0"

PAUL R. SEMMES, P.E.
#44137 DATE:

*ALM
RUK
9/16/09*

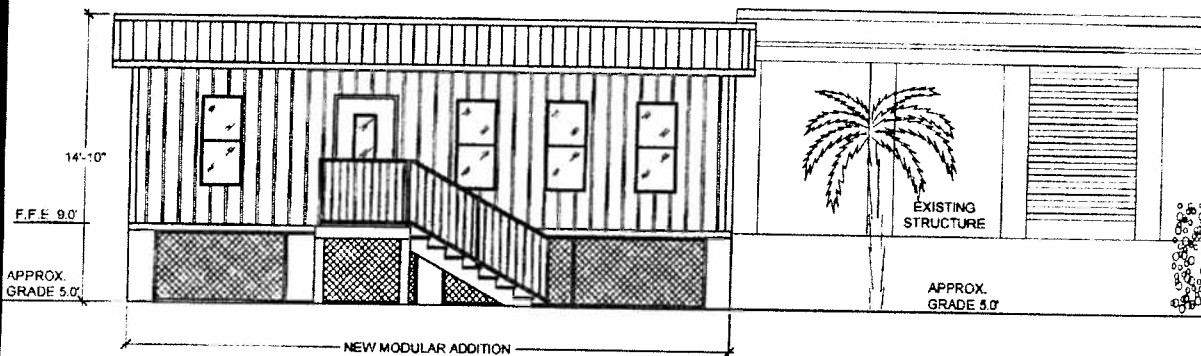
FLORIDA BUILDING CONSULTANTS, INC.

402 APPELROUTH LANE, SUITE 1-F
KEY WEST, FLORIDA
C.A.#26045

JOB TITLE: KEY WEST CENTER FOR CARDIOVASCULAR EXCELLENCE

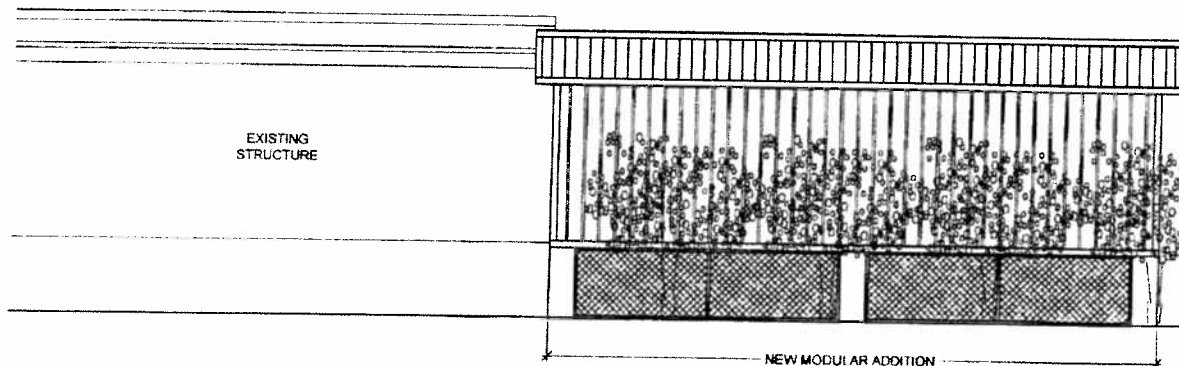
SHEET: 7 OF 8
DATE: 07-09-09
BY: EKM
JOB #

FRONT AND REAR ELEVATIONS



PROPOSED SOUTH ELEVATION

SCALE: 1/8"=1'-0"



PROPOSED NORTH ELEVATION

SCALE: 1/8"=1'-0"

PAUL R. SEMMES, P.E.
#44137 DATE: _____

ACM
RUK
9/16/09

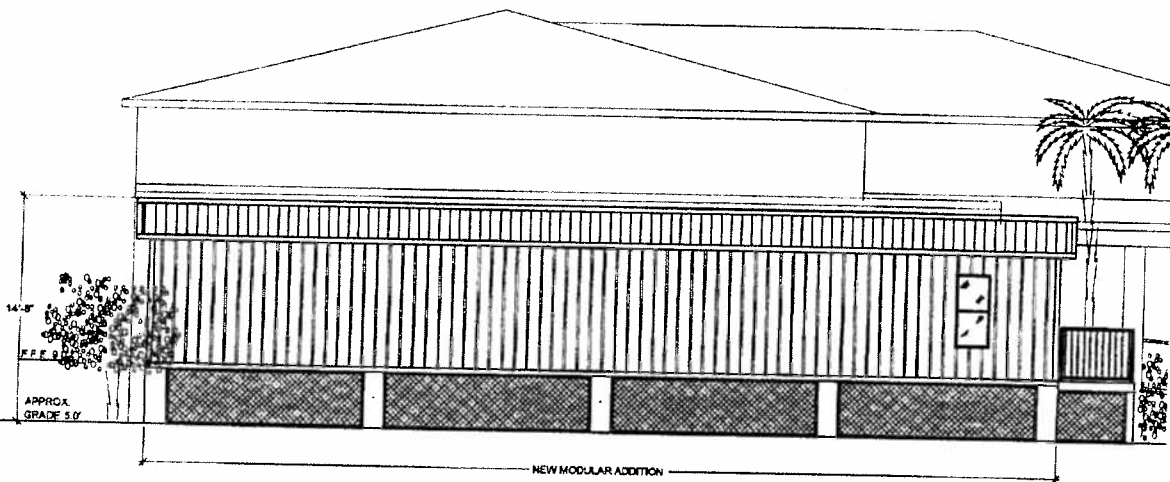
FLORIDA BUILDING CONSULTANTS, INC.

402 APPELROUTH LANE, SUITE 1-F
KEY WEST, FLORIDA
C.A.#26045

SHEET: 8 OF 8
DATE: 07-09-09
BY: EKM
JOB #

JOB TITLE: KEY WEST CENTER FOR CARDIOVASCULAR EXCELLENCE

SIDE ELEVATION



PROPOSED WEST ELEVATION

SCALE: N.T.S.

*Adrian
Ruk
9/16/09*

PAUL R. SEMMES, P.E.

#44137 DATE: